G. R. S. IX.5]

Previous references.
LB. 45—21 88 345-

1922.
(Local Bd)

File No. 45—21

Serial Nos. 427

Later references.
LB 97—21 8528

GENERAL AND REVENUE SECRETARIAT.

Part B for February 1922

SUBJECT.

Continuance or otherwise of persons who are members on the D.B. to represent the Municipal Councils if they still hold the membership on the Mcl on its reconstitution.

To the Resident Ag. Mcl. Bangalore
No L 4589 D. 11.2.22.

States that Mr. Subbaiya will represent the Mcl on the D.B. of Bangalore as he continues to be a member of the reconstituted Municipal Council

J.K. Jacob
17.2.22

WD 1868—GPB—16,826—23-7-21

G. R. S. 11] 1921-22

GENERAL AND REVENUE SECRETARIAT.

(~~G.L.B~~)

NOTES.

File No. 45

FILE HEADING.

District Board members, Bangalore Dist.

From

The President, Bangalore city Muni Council.

No. 131 Dated 4.1.22 Received 6.1.22

Diary No. 3709	Enclos. 2	Spare Copies.	Serial No. 4

BRIEF ABSTRACT OF LETTER.

Submits for orders copies of correspondence between the Pr. Council, Bangalore etc and the Chief Officer regarding the election of a Muni Councillor to represent the City Muni Council on the Bangalore District Board and solicits early orders whether a member who ~~resigns~~ resigns the Council or the Dist Board loses his seat on the latter, though he continues to be a Muni Councillor on the reconstituted Council.

NOTES AND ORDERS.

From the copies of the correspondence received it is seen that Mr. C. Subbiah, B.A. ~~was~~ was elected as a member of the Dist Board by the Bangalore city Muni Council, ~~which~~ which was ~~re~~ consti-

NOTES—First Sheet.

reconstituted by efflux of time and he was again elected a Member of the City Municipal Council without any breakage in his term of office as such Councillor of the City Municipal Council.

Under the above circumstances Mr. Gulbrish does not cease to be a member of the City Municipal Council by its reconstitution and continues to be a member of the District Board of Bangalore under rule 3(1) of the Rules issued under the L. B. Regn. of 1918. So, the election of a Separate Member to represent the City Municipal on the said Board does not seem to be necessary.

Submitted for orders.

9.1.21

TTR 10/1

Please put up the rule referred to.

13.1.21

B 7 n. Page 31 of the Regn.

A copy of the Rules is enclosed.

16/1

The above interpretation appears to be a correct one as the Rule in question is to the effect that

NOTE—Contn. sheet.

Serial No.

a member of a Municipal Council deputed to be a member of a District Board shall vacate his latter office only on his ceasing to be a member of the Municipal Council.

This interpretation was applied to a similar case that had recently arisen in connection with the Dodballapur Municipal Council.

A draft is accordingly put up for approval.

Rev. Secy.) dcg. 23/1/22

Strictly speaking a member of the superseded Council cannot represent the interests of a reconstituted Council on the D. Board. The member of the former ceases to be a member as soon as his term of the Council expires. But even before the expiry of the term, if the Council is reconstituted, the member obtains his seat afresh on the said Council by virtue of the reconstitution. In other words it is not the continuance of the former one but a reconstituted Council that comes into existence. As such a member of the superseded Council becomes functus officio as soon

NOTE—Contn. sheet.

General and Revenue Secretariat. | L.B. File No. 45 of 1921

Serial No.

GEN & REV SEC
L
27 JAN 1922

by the Council is reconstituted. one who represented the ~~same~~ on the M. Board Council - per se represent the other entity he is re-elected by it.

L4
23/1

U.O. No. 53.
L. 24-1-22.

Forwarded to the Govt Advocate for favour of an expression of his opinion

B.O.
Secretary
23/1/22.

No. 1987A/1921-R
26-1-1922

The wordings of proviso 1 to Rule 3 of the Rules under reference are very wide and under it the representative of a Municipal Council on a District Board shall vacate office only on his ceasing to be a member of the M. Council.

I do not consider that the fact that there has been a re-constitution of the Council matters all that the rule requires is that he should continue to be a member of the M. Council

NOTE.—Contn. sheet.

Serial No.

at the time when he is called upon to Exercise the functions of a Member of the District Board.

The question whether, in view of the reconstitution of the Municipal Council, a new representative should be depute in the place of the old one is apparently a matter for the Council itself to decide, and as long as they permit the individual already representing them on the Board to continue, I am not sure if it is open to the Board to raise the question.

In my opinion there is nothing in the Rules requiring a re-election under such circumstances.

26th Jan. 22. W. Meredith Reed
Govt Advocate

Draft reply to the President of the City Municipal Council is re-submitted for approval or other orders.

Rev. Secy.) may be approved 27/1/22

3rd member) 30/1/22 28/1 yes
Dewan

DEWAN'S OFFICE.
Recd. on FEB 2 1922
Reg. No. 4058

NOTE—Contn. sheet.

38/3/30/1

3709

G. R. S. III-2]

General and Revenue Secretariat. | LB File No. 45 of 1924.

Serial No.	
7	To. The president, Cntt. Mune Council Bangalore No. L 45-89/d 11.2.22. Sl Latee mal Mr. M. Subbaiya will represent the mune Council on the Dist Bd as he continues to be a member of the mune Council. The president Dist Bd Bangalore Forwards Copy. L 45-90/d 11.2.22.

REVENUE & JUDICIAL SECRETARIAT
14 FEB 1922
LOCAL SELF GOVTt
BRANCH.

B/

NOTE—Contn. sheet.

R G E N T

No. 131 Mod 3/1/22

OFFICE OF THE CITY MUNICIPAL COUNCIL,

Bangalore City, dated 1st January 1922.

(7)

From Ananda Rao Sirsi, Esq., B.A., LL.B.,
President, Municipal Council,
BANGALORE CITY.

LB 45-21 4

REVENUE & JUDICIAL SECRETARIAT. L.3709. 4 JAN 1922 LOCAL SELF GOVT. BRANCH.

To K. Matthan, Esq., B.A.,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

Sir,

I have the honor to submit for the orders of Government copies of the marginally noted correspondence between the Deputy Commissioner, Bangalore District and the Chief Officer regarding the election of a Municipal Councillor to represent the City Municipal Council on the Bangalore District Board. The point for orders is whether a member who represents the Council on the District Board loses his seat on the latter, though be continues to be a Municipal Councillor on the reconstituted Council. I solicit early orders of Government in the matter.

1. Letter No.C. 626/21-22 dated 28th Nov.1921 from the Dy.Commr. to the Chief Officer.
2. Letter No.953 dated 3-12-1921 from the Chief Officer to the Dy. Commissioner.
3. Letter No.1011 dated 14-12-21 from the Chief Officer to the Dy. Commissioner.
4. Letter No.C.626 21-22 dated 17-12-1921 from the Dy.Commr. to the Chief Officer.

I have the honor to be,

Sir,

Your most obedient servant,

President.

Enc to LB 45-21-4. (8)

Copy of the Letter No.C.626/21-22 dated 28th November 1921 from the Deputy Commissioner, Bangalore District, to the Chief Officer City Municipal Council, Bangalore.

I have the honor to state that in accordance with para 3(of the Local Boards Rules, published in Government Notification No.R. 7559/L.B.54-18-1 dated 18th December 1918, the term of office of Mr. M.Subbaiah, B.A., deputed by the Municipal Council, as a member of the Bangalore District Board, is over owing to the expiry of the term of the Council andits reconstitution. I therefore request you to be so good as to hold an election for the choice of a successor at a special meeting of the Municipal Council, in accordance with the instructions contained in Part IV, para 14 of the aforesaid Government Notificatio and ~~xkm~~ intimate the result to me together with a statement showing the property qualifications of the member ~~x~~ elected and a copy of the proceedings of the Municipal Council.

Sd/. B. Ramaswamaiah,
Deputy Commissioner,
Bangalore District.

Copy of the Letter No.953 dated 3-12-1921 from the Chief Officer, City Municipal Council, Bangalore, to the Deputy Commissione Bangalore District, Bangalore.

With reference to your letter No.C.626 dated 28th ultimo requesting to elect a member to represant the Bangalore City Municipal Council on the Bangalore District Board, I have the honor to state tha the subject will be placed before the next ~~k~~ meeting of the Municipal Council and the result will be intimated with the property qualificati of the member elected.

Sd/. B.S. Ranoji Rao,
Chief Officer,
City Municipal Council,
Bangalore.

Enc to LB 45-21-43 (9)

Copy of the letter No.1011 dated 14-12-1921 from the Chief Officer, City Municipal Council, Bangalore, to the Deputy Commissioner Bangalore District, Bangalore.

In continuation of my letter No.953 dated 3rd December 1921 regarding the election of a member ~~a~~ in place of Mr.M.Subbiah,B.A to represent the Council on the District Board, Bangalore, I have the honor to request to be informed if as Mf.Subbaiah continues to be a member of the City Municipal Council by being elected, there is any ~~a~~ necessity to elect a member for the District Board an account of the recent reconstitution of the City Municipal Council. Para 3(1) of the rules referred to in your letter No.C.626/21-22 dated 28th November 1921 states that any member of the Council deputed to be a member of a District Board shall vacate on his ceasing to be a member of the Municipal Council. Mr. Subbaiah has not ~~a~~ ceased to be a member of the Council and as such it does not seem necessary to hold election as suggessted as he has to continue till the reconstitution of the Board. I shall feel obliged for an early reply.

Sd/.B.S. Ranoji Rao,
Chief Officer.

Copy of the letter No.C.626/21-22 dated 17-12-1921 from the Deputy Commissioner, Bangalore District, Bangalore, to the Chief Officer, City Municipal Council, Bangalore.

With reference to your letter No.1011 dated 14th December 1921 regarding the election of a member by the Bangalore City Municipal to the Bangalore District Board, I have the honor to state that under the provision cited by you, Mr.Subbiah's membership on the District Board, which is in his representative capacity on behalf of the Municipal Council, which elected him, shouldbe deemed to have terminat with the expiry of the term of the said Council. He cannot represent the reconstituted Council, unless he is re-elected by that body. A new

G. R. S. VI—G/32]

SUBJECT.....

Diary No. of letter replied to 3709

General and Revenue Secretariat

( )

, the 191 .

Date of issue 11.2.22

Signed by Mr. D.C.S.

Section :

File No. 45-21

Serial No. 7

No. L. 4589.

To

The Private, Bangalore city

Sir,

With reference to your letter No. 131 dated 15th Jan 1922, I am directed to State that Mr. M. Subbaiya will cease to represent the Municipal Council on the Dt. Bd as he continues to be a member of the reconstituted Municipal Council and that no vacancy can be deemed to have

over.

occurred on the Dt Bd within the meaning of proviso (1) of rule 3 of the L B published under notfn no R 7593-B 5L4-18-1 of 18-12-18 simply on the expiry of the term of the Municil

I have, etc

Secy
23/1/22
For Rev Secy
DS
24/1/22

TRG
23/1

Memo :- L. 4590.

List of enclosures.

copy forwarded, with compliments, to the Dy Comr, Bangalore Dt, for information and guidance.

By order

Copied by

Examined by Mr. H.S.R.

Secy
23/1/22
For Rev Secy
DS
24/1/22

TRG